

Appl. No.: 10/087,146
Amdt. Dated: December 16, 2003
Reply to Office Action of: October 10, 2003

REMARKS/ARGUMENTS

Claims 1-13, 17, 20, 23-33,, 37, 40, 44-52 and 54-55 remain in the application. All remaining claims have been amended, the dependent claims being amended to state "The method according to ..." in place of --A method according to--. Claims 14-16, 18-19, 21-22, 34-36, 38-39, 41-43 and 53 have been cancelled and the subject matter of these claims has been incorporated into other claims as follows.

With regard to the cancelled claims:

- (1) the subject matter of dependent claims 14-16, 18-19 and 21-22 has been incorporated into dependent claim 13 that depends on independent claim 1;
- (2) The subject matter of dependent claim 43 has been incorporated into independent claim 26, and the subject matter of dependent claims 34-36, 38-39 40-42 has been incorporated into dependent claim 33; and
- (3) the subject matter of dependent claim 53 has been incorporated into independent claims 46.

In addition to the foregoing amendments, addition amendments have been made in order to make the claims easier to read by reducing excess verbiage. All independent claims, original or as amended herein, are directed to a method for making a fluoride crystal or a magnesium fluoride crystal or optical element that has a 120 nm transmission of at least 30%. Applicants believe that none of the foregoing amendments introduces new subject matter into the specification.

1. § 103 Rejections

The Examiner has rejected claims 1 - 7, 9-13, 17, 20, 23-33, 37, 40, 44-52 and 54-55 remaining in the application under 35 U.S.C. § 103(a) as being unpatentable for obviousness over Oba, U.S. Patent No. 6,238,479. Specifically, the Examiner asserts that Oba teaches a a method of growing MgF_2 crystal including placing a raw material in a chamber, subjecting it to a scavenger and other steps as describes in the Office Action on pages 2-3. Applicants' traverse the rejection.

Applicants have amended all the independent claims in the present application to include the statement that fluoride or magnesium fluoride crystal or optic grown by the

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claimed method have "a 120 nm transmission of at least 30%". This feature distinguishes the crystals provided by the method of the present invention from those of provided by the method of Oba.

Applicant refers the Examiner to Oba's Figure 8. This Figure indicates that all the Oba crystals, as produced by his Examples 1-4, have a transmission of about 22% at a wavelength of 120 nm; and further Oba's Figure 8 Oba does not show any transmission for the Comparative Example at 120 nm.

In contrast to Oba, applicants' claim a method that produces a fluoride or magnesium fluoride crystal/optic having a 120 nm transmission of 30% or greater. Accordingly, applicants submit that the claimed invention produces results different from those obtained using the Oba method and that such results are patentable over Oba.

2. Conclusion

Based upon the above amendments, remarks, and papers of records, applicants believe the pending claims of the above-captioned application are in allowable form and patentable over the prior art of record. Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Applicant believes that no extension of time is necessary to make this Reply timely. Should applicant be in error, applicant respectfully requests that the Office grant such time extension pursuant to 37 C.F.R. § 1.136(a) as necessary to make this Reply timely, and hereby authorizes the Office to charge any necessary fee or surcharge with respect to said time extension to the deposit account of the undersigned firm of attorneys, Deposit Account 03-3325.

Please direct any questions or comments to Walter M. Douglas at 607-974-2431.

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Date

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8	
I hereby certify that this paper and any papers referred to herein are being transmitted by facsimile to the U.S. Patent and Trademark Office at 703-872-9306 on:	
<u>16 December 2003</u> Date	
<u>Walter M. Douglas</u> Walter M. Douglas	<u>16 Dec 03</u> Date

Respectfully submitted,
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